

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:

ANDRES AND JANE QUINTANA

**CASE NO. 20-02391-5-SWH
CHAPTER 7**

DEBTORS

PW FUNDING, LLC

Plaintiff

v.

AP No.: 20-000123-5-SWH

JANE QUINTANA

Defendant

DEBTOR'S RESPONSE TO COMPLAINT

NOW COMES the Defendant, Jane Quintana, by and through undersigned counsel, and responds to the Complaint filed by PW Funding, LLC, on September 25, 2020 (DE 29) as follows:

NATURE OF ADVERSARY PROCEEDING

1. Paragraphs 1 and 2 do not require a response.

PARTIES, JURISDICTION, AND VENUE

2. Paragraph 3 is admitted.
3. Paragraph 4 is denied. Defendant resides at 15204 Barrie Drive, Austin, TX 78734-6255 and should be served at that address.
4. Paragraphs 5 through 11 are admitted.

FACTS

5. Paragraph 12 does not require a response.

6. Paragraphs 13 through 15 are admitted, with the minor correction that the dental practice is no longer operating, having filed its own chapter 7 bankruptcy case on September 14, 2020.
7. Paragraph 16 is admitted in part and denied in part. It is admitted that on or about April 25, 2019 the parties entered into the agreement attached to the complaint as Plaintiff's Exhibit A. It is denied that this agreement was, necessarily, a true sale of receivables. The Defendant reserves the right to argue that particular issue later on, should it become relevant.
8. Paragraphs 17 through 25 is admitted.
9. Paragraph 26 is denied as the Defendant has no basis for knowing whether or not Plaintiff relied on the representations contained in Plaintiff's Exhibit B.
10. Paragraphs 27 and 28 are denied.
11. Paragraph 29 is admitted.
12. Paragraph 30 is denied.
13. Paragraph 31 is admitted in that Wake Forest Smiles breached the Agreement, but only for non-payment to the Plaintiff, not as the result of making false statements.
14. Paragraphs 32 through 36 do not require a response.
15. Paragraph 37 is admitted.
16. Paragraphs 38 through 40 do not require a response.
17. Paragraph 41 is denied.
18. Paragraphs 42 and 43 do not require a response.

FIRST CLAIM FOR RELIEF

19. Paragraphs 44 through 54 have either already been denied or are conclusions of law and do not require a response.

SECOND CLAIM FOR RELIEF

20. Paragraphs 55 through 57 do not require a response.
21. Paragraph 58 is admitted.

22. Paragraph 59 is denied.

23. Paragraphs 60 and 61 are admitted.

24. Paragraph 62 is denied.

25. Paragraphs 63 through 70 are conclusions of law that do not require a response.

THIRD CLAIM FOR RELIEF

26. Paragraphs 71 through 77 have either already been denied or are conclusions of law that do not require a response.

WHEREFORE, the Defendant, Jane Quintana, respectfully prays the Court to dismiss the Complaint and for such other and further relief as this Court deems just and proper.

October 12, 2020

SASSER LAW FIRM

/s/Travis Sasser

Travis Sasser

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Answer to Complaint was served on the entities listed below at their last known address with sufficient postage thereon, or, if such interested party is an electronic filing user, by serving such interested party, electronic transmission, pursuant to Local Rule 5005-4(9)(b).

Bankruptcy Administrator
Served Electronically

PW Funding, LLC
Attn: Managing agent
3300 Highlands Pkwy. SE
Suite 290
Smyrna, GA 30082

Martineau King PLLC
Joseph Walker Fulton
PO Box 241268
Charlotte, NC 28224

I certify under penalty of perjury that the foregoing is true and correct.

Dated: October 22, 2020

SASSER LAW FIRM
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